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Via Federal Express

Honorable Nathaniel M. Gorton
United States District Court
Donohue Federal Building
595 Main Street, 5th floor
Worcester, MA 01608

Re: **Bacou-Dalloz USA Safety, Inc. and Howard Leight Industries, LLC v. Cabot Safety Intermediate Corp. and Aeero Company.**
Civil Action No.: 04-40049-NMG
Our File No.: CAO-0580-L

Dear Judge Gorton:

Currently pending before you in the above referenced action is the Defendant's Motion to Transfer this case to the Southern District of Indiana, Indianapolis Division, where a first filed action is currently pending. The Motion to Transfer has been fully briefed. Subsequent to the briefing, the Indianapolis Court has ruled upon Bacou's Motion to Transfer an additional case between the parties, *Aeero Company and Cabot Safety Intermediate Corporation v. Bacou-Dalloz USA Safety, Inc.*, Civil Action No.: 1:03-CV-1406 DFH. For your information, I am attaching a copy of Judge Hamilton's ruling in which he denied Bacou's Motion to Transfer the case to California, where Howard Leight Industries' operations are located. As can be seen by the Judge Hamilton's decision, there was no mention by Bacou of any relationship between it and Massachusetts.

Respectfully submitted,

Michael J. Rye

MJR/dmc
Enclosure

Cc: Charles Hieken, Esq.
David Campbell, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing letter to Honorable Nathaniel M. Gorton and Entry on Motion to Transfer has been served via Federal Express this 14th day of June, 2004 to the following:

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